

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0202

SENATE BILL NO. 18

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to allow an inmate to waive a noncompliance hearing with
2 the Board of Pardons and Paroles.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-15A-39 be amended to read as follows:

5 24-15A-39. Any inmate ~~who~~ whom the warden reports has not substantively complied with
6 the individual program directive shall have a hearing with the board to determine the inmate's
7 compliance with the individual program directive. However, if the inmate wishes to admit to
8 noncompliance with the individual program directive and waive this hearing, the inmate shall
9 appear before the board and state for the record the admission of noncompliance and waiver of
10 right to a hearing.

11 The board may determine the inmate has substantively complied with the individual program
12 directive and release the inmate at the inmate's initial parole date or as soon as reasonably
13 possible following the initial parole date and hearing. The board may also determine the inmate
14 has not substantively met the requirements of the individual program directive, deny release at
15 the initial parole date and set the time for a subsequent discretionary parole hearing. Any inmate
16 appeal of a finding of noncompliance by the board shall be filed pursuant to chapter 1-26 in the
17 county in which the inmate is confined.

- 1 Any inmate not released at the time of the inmate's initial parole date shall have a
- 2 discretionary parole hearing at least every two years.